

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CRIMINAL CASE NO. 1:20-cr-00123-MR-WCM**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOSE JAVIER GUERRA,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendant's Motion to Seal Unredacted Exhibit 1 of Defendant's Sentencing Memorandum [Doc. 33].

The Defendant moves for leave to file under seal an Exhibit [Doc. 35] to his Sentencing Memorandum. [Doc. 33]. For grounds, counsel states that the Exhibit contains identifying information of a minor child, as well as sensitive information detailing a Juvenile Court proceeding involving said minor child. [Id.].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives."

Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4<sup>th</sup> Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Defendant's motion. The Defendant filed his motion on December 9, 2021, and such motion has been accessible to the public through the Court's electronic case filing system since that time. Further, the Defendant has demonstrated that the exhibit contains sensitive information and that the public's right of access to such information is substantially outweighed by the parties' competing interests in protecting the details of such information. See United States v. Harris, 890 F.3d 480, 492 (4th Cir. 2018). Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Exhibit is necessary to protect the parties' interest in preventing the disclosure of this sensitive information.

**IT IS, THEREFORE, ORDERED** that the Defendant's Motion to Seal Unredacted Exhibit 1 of Defendant's Sentencing Memorandum [Doc. 33] is **GRANTED**, and the Exhibit [Doc. 35] shall be filed under seal and shall remain under seal until further Order of this Court.

Signed: December 16, 2021

**IT IS SO ORDERED.**

  
Martin Reidinger  
Chief United States District Judge 